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uncertain. [[Doc. 144](#).] Counsel seeks a temporary furlough to allow Bagshaw be with her husband and assist her mother, Jean Buby, who has become the caretaker for Bagshaw's schizophrenic son during her incarceration. *Id.*

II. Legal Standard

After imposing a custodial sentence, this Court has limited jurisdiction to modify the term of imprisonment. [18 U.S.C. § 3582\(c\)](#) prohibits judicial modification except upon the Bureau of Prison's motion, post-sentencing corrections of error, reductions for substantial assistance, or where the sentencing range has been substantially lowered by the Sentencing Commission.

Instead, Congress has vested the authority to modify a commenced term of incarceration with the Bureau of Prisons (BOP). The BOP "may release a prisoner from the place of his imprisonment for a limited period" if consistent with the purpose of sentencing, any pertinent policy statements from the Sentencing Commission, and the inmate's risk of flight. [18 U.S.C. § 3622](#).

III. Analysis

"The court may not modify a term of imprisonment once it has been imposed," and none of the statutory exceptions that would permit this Court to modify Bagshaw's sentence apply to her. [18 U.S.C. § 3582\(c\)](#). Her counsel does not direct the Court to any authority that avoids the jurisdictional and the statutory prohibition on post-imposition modification. *Id.*

Bagshaw's request should be directed instead to the BOP. "After a court has pronounced its sentence, a federal prisoner must address his requests regarding his confinement to the BOP or file a habeas petition." [United States v. Padilla](#), No. CR 09-3598, 2012 WL 2175749, at *2 (D.N.M. May 31, 2012); *see also* [United States v. Premachandra](#), No. 95-2871, 1996 WL 102567, at *1 (8th Cir. Mar. 8, 1996) ("[18 U.S.C. § 3622](#) vests authority to grant medical

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furloughs with the Bureau of Prisons (BOP), not the federal courts.”) A BOP warden or acting warden may authorize a furlough for Bagshaw “to be present during a crisis in [her] immediate family,” [28 C.F.R. § 570.33\(b\)](#), and the denial of any request she may make is subject to administrative appeal. [28 C.F.R. § 570.37\(c\)](#).

This Court, however, having imposed a custodial sentence and without an applicable exception to the prohibition on post-imposition judicial modification, [18 U.S.C. § 3582\(c\)](#), lacks jurisdiction to intervene. See [United States v. Watson, No. 2:07cr145, 2009 WL 1370915 \(M.D. Ala. May 14, 2009\)](#) (“No language in the statute grants district courts the authority to order or approve a furlough request.”).

For the foregoing reasons, Bagshaw’s motion for emergency furlough is **DENIED**.

IT IS SO ORDERED.

Dated: July 3, 2012

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE